

रजिस्टर्ड न० पी० ४६१.



राजपत्र हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, ८ अगस्त, १९७३/१७ श्रावण, १८९५

GOVERNMENT OF HIMACHAL PRADESH

AGRICULTURE DEPARTMENT

NOTIFICATION

Simla-2, the 26th July, 1973

No. 6-1/73-Agr. Sectt.—In exercise of the powers vested in him under section 29 of the Himachal Pradesh Land Development Act, 1973, the Governor, Himachal Pradesh is pleased to frame the following Rules, which shall come into force from the

date of publication in the Official Gazette.

- Short title 1. These rules may be called the Himachal Pradesh Land Development Rules, 1973.
- Definitions 2. In these rules, unless there is anything repugnant in the subject or context,—
- (i) "Act" means the Himachal Pradesh Land Development Act, 1973 (No. 14 of 1973);
 - (ii) "Assistant Soil Conservation Officer" means the Assistant Soil Conservation Officer, of the District or in his absence any other person acting or officiating in his place;
 - (iii) "beneficiary" means a person, persons, or corporate body drawing direct or indirect benefit from a scheme;
 - (iv) "Chairman" means the Chairman of the Committee;
 - (v) "Deputy Commissioner" means Deputy Commissioner, of the District or in his absence any other officer acting or officiating in his place;
 - (vi) "Inquiry Officer" means an officer appointed by the Government for conducting an enquiry under these rules;
 - (vii) "member(s)" means member(s) of the District Land Development Committee;
 - (viii) "Scheme" means Land Development Scheme prescribed under the Act;
 - (ix) "Secretary" means the Secretary of the Committee;
 - (x) all other words and expressions used herein but not defined in these rules shall have the meanings assigned to them in the Act.
- Payment of travelling allowance to the members, conduct of business by the committee and procedure to be followed at the meeting of the committee.
3. (i) *Notice for convening a meeting.*—Any member may make in writing, a request to the chairman for convening a meeting of the Committee stating clearly the purpose for which such meeting is necessary. The Chairman will consider the request and in the event of his deciding not to convene a meeting, shall convey the reasons for his not doing so, to the member concerned.
- (ii) *Order for convening a meeting.*—The Chairman may at the request of a member at his own discretion, order the Secretary in writing to convene a meeting.
- (iii) *Period of notice for holding a meeting.*—Ten days' clear notice shall be given to the members in respect of a meeting of the Committee.
- (iv) *Proof of delivery of notice.*—A notice issued for purposes of clauses (i), (ii), (iii) above and posted under a certificate of posting shall be considered as a sufficient proof for the notice having been delivered to the addressee and no plea for non-receipt of the notice by him shall be tenable.
- (v) *Form of notice of meeting to the members and agenda.*—The notice shall be issued in the form prescribed under Appendix 'A' and shall be invariably accompanied by the agenda of the meeting.
- (vi) *Quorum.*—The presence of a minimum of any three

members shall form a quorum to hold a meeting and to transact business.

(vii) *Performance of the duties of Chairman in the absence of the chairman.*—In the absence of the Chairman the member nominated by him in writing shall function as the Chairman of the meeting.

(viii) *Record of proceedings.*—The record of proceedings of the meeting and the business transacted shall be maintained in a proceeding book by the Secretary.

(ix) *Recording the presence of the members in a particular meeting and particulars of place and time of the meeting.*—Before the commencement of the meeting the Chairman, the members and any other person present in the meeting by special invitation shall sign the proceeding book in token of their presence. The time, date and place of meeting shall also be recorded.

(x) *Presence by proxy.*—Presence of any member by proxy shall not be permissible.

(xi) *Presence of non-members by special invitation.*—The Chairman may request any person to attend the meeting by special invitation but such person shall not have the right to vote.

(xii) *Payment of T.A. to members.*—The non-official member who is not a member of the Parliament or Legislative Assembly of the State will be entitled to the travelling allowance at the rates fixed by the State Government from time to time.

4. (i) The Chairman may authorise in writing the Assistant Soil Conservation Officer or any other officer of the Department of Agriculture, Forest or Public Works of Himachal Pradesh to prepare any scheme under the Act.

(ii) A scheme may be prepared by the officer authorized in this behalf or on his behalf by any member of his staff on receipt of an application from an owner or owners or tenants of any land or even without receipt of any application in respect of any land, for consideration of the Committee.

(iii) The application will be received in the form prescribed in Appendix 'B'.

(iv) The Assistant Soil Conservation Officer or any other authorized officer or any member of his staff shall have the right to take soil samples, dig pits for study of soil profiles and soil characteristics, take photographs, survey or take measurements and do any other operation that may be considered necessary for the preparation of any scheme under the Act without having to pay any compensation.

(v) On the basis of the information and data collected for the operations mentioned in clause (iv) above the Assistant Soil Conservation Officer, or any authorised person in his behalf shall prepare scheme(s) consistent with the requirements of section 4 (2) of the Act and transmit a copy of the scheme(s) to the Secretary for consideration by the Committee.

(vi) The schemes, as approved by the Committee shall be transmitted by the Secretary on behalf of the Committee to the

Procedure to be followed for the preparation of the schemes.

Government for its sanction under section 5 of the Act.

(vii) The schemes shall be prepared by the Committee in the form attached in Appendix "C".

(viii) Estimates for the cost of engineering works shall be prepared on the basis of schedule of rates currently in force in Himachal Pradesh Public Works Department.

Procedure to be followed by the Inquiry Officer and the manner of publication of scheme under section 5 of the Act.

5. (i) The State Government or any officer authorised on their behalf shall on receipt of the schemes, cause to display the copy of the notification in every village, tehsil headquarters and in office of the Panchayat in which the land is located.

(ii) A minimum period of 30 days from the date of display of the notice shall be allowed for putting on the objections or suggestions by the affected persons.

(iii) No person or Panchayat other than the one affected shall have the right to put in any suggestion for the amendment of the scheme.

(iv) The affected persons shall put in the suggestions, if any, within the prescribed time only through the Secretary of the concerned committee.

(v) No suggestions made or received in the office of the Deputy Commissioner or any other Government Office/Offices authorised in this behalf, after the prescribed date and time, shall be tenable.

(vi) While making the suggestions the person (s) affected must clearly mention the particulars of the scheme as published giving the scheme number, name of the scheme, and the District without which the suggestions shall not be considered.

(vii) The Government shall appoint an Inquiry Officer in respect of scheme only if any amendment is suggested by any person or Panchayat effected by the scheme.

(viii) The publication of the scheme and appointment of Inquiry Officer shall not be necessary where an application is made by the person(s) affected himself/themselves and has/have agreed in writing to bear his/their share on fixed by the competent authority in executing the scheme sanctioned by the State Government under section 5(2) of the Act and shall be considered by the State Government for sanction as such, with modification or rejection.

(ix) On receipt of suggestions, regarding any particular scheme, if any, a copy of the suggestions, along with a copy of the scheme shall be passed on by the Deputy Commissioner to the State Government for further action.

(x) the State Government shall, on receipt of suggestions in respect of a particular scheme, appoint an Inquiry Officer by a notification to be published in the Official Gazette, a copy of which notification shall be sent to the person appointed as Inquiry Officer and also to the person or Panchayat making the suggestions for the amendment of the scheme.

(xi) The Inquiry Officer shall make on the spot study of the scheme and the suggestions made and send his report within 15 days of his appointment, to the State Government.

(xii) It shall not be obligatory on the part of the Inquiry Officer to consult either the person or persons of the Panchayat affected or any of the officers, preparing the scheme or contributing to their preparation while conducting the inquiry or giving his report. He may, however, consult any of them at his own discretion.

(xiii) Only an officer of the Department of Agriculture, Forest or Public Works of the State Government having experience in soil and water conservation shall be appointed an Inquiry Officer by the State Government.

(xiv) It shall not be obligatory on the State Government to convey to the person(s) or the Panchayats affected or concerned the decision taken by it on any scheme before its publication under section 6 of the Act.

(xv) The sanction of the State Government to a particular scheme shall, however, be published in the Official Gazette.

6. (i) The scheme as sanctioned by the State Government shall be displayed specifying the date from which it shall come into force, under the signatures of the Deputy Commissioner, in every village, tehsil headquarters and in the office of the Panchayat in which the land is located for the information and inspection of the persons affected.

Procedure for the publication of the sanctioned schemes under section 6 of the Act.

(ii) As soon as a scheme is published in the manner prescribed in clause (i) above, the Deputy Commissioner will issue a notice to the person(s) affected in the prescribed form as per Appendix 'D' specifying the sanction of State Government, the name of the Gram Panchayat to which a copy of the sanction has been sent for inspection and the Government offices in which a copy of the sanctioned scheme may be available for inspection to intimate if they want to undertake the execution of the scheme themselves under section 10(1) of the Act failing which the work will be carried out by him under section 13 of the Act. It will be specified in the notice as to what proportion of the total cost will be chargeable from him and to what it would approximate amount. In the case of voluntary applicants, however, the issue of such notice shall not be necessary.

7. Any regulation made by the Committee under section 7 of the Act in addition to its being published in the Official Gazette copies thereof shall also be made available on payment to the general public.

Publication of regulation made by the committee under section 7 of the Act.

8. (i) Under sub-section (4) of section 10 the amount of contribution shall be decided on the basis of proportionate share on total cost according to the area of each owner involved in the scheme provided that the cost on areas under cultivation and those not under cultivation shall be worked out separately and the proportionate expenditure on the areas held by the owners in the two classes shall also be worked out separately provided further that any remission or subsidy on the total cost granted by the State Government or from any other source shall be deducted from the total cost before working out the proportionate amount payable by each owner.

Principles on which the amounts of contribution are to be determined by the committee under sub-section (4) of section 10 or section 11 of the Act.

(ii) When benefits other than those to a cultivated or uncultivated land accrue to a person, persons, a corporate body the share of the total cost to be borne by the person, persons, or a corporate body shall be determined and fixed by the Committee on the merit of each case and decision of the Committee shall be binding on the beneficiary or beneficiaries.

(iii) Should the works be carried out mechanically by tractors, bulldozers or other power operated machinery the cost will also include the depreciation on the machinery besides the operational cost on hourly basis including the wages of the driver.

(iv) No establishment charges or charges for technical advice shall be included in the cost of works.

(v) The actual cost of green manuring seeds or fertilizers recommended in the scheme for building up the fertility of the soil shall be accounted for while working out the cost of the scheme.

(vi) The cost of works shall be worked out separately for the land treated in each village in a sub-catchment and not collectively for the entire sub-catchment.

(vii) When a certain piece of land belonging to an absentee landlord is cultivated by a non-occupancy tenant the cost of works on land shall be chargeable to the landlord and the tenant in the proportion of the share of each in the produce as fixed under the law. If in any case the landlord or tenant sells or alienates his rights in such land after the completion of work and assessment of the cost of work payable by him, the amount recoverable on account of the execution of the scheme shall be chargeable from the person taking over the rights of the land.

(viii) The species of grasses or trees decided to be grown as part of any scheme(s) except fruit trees shall be supplied free of cost by the Government subject to their availability and the cost thereof shall not be included while assessing the total cost of the scheme(s).

Statement and map showing details of works under section 14 of the Act. 9. (i) The statement shall indicate the dimensions of the slopes of the channels, drains, drop-pits and any other works done in execution of the scheme in the form prescribed vide Appendix 'C' which shall be required to be maintained by the owner(s)/tenant(s) and the species of grasses or trees required to be grown and maintained as a part of the scheme.

(ii) The map shall show the plan of the fields as prepared under the scheme, the position of the drains, drop-pits or any other structures raised as a part of the scheme and the areas to be kept under grasses or trees, specifying also the scale used.

Order for affecting repairs to and maintenance of works and plantations under section 15 of the Act. 10. (i) Should it be felt that any works or plantations are not being maintained as prescribed in the statement prepared under section 14 of the Act, the Deputy Commissioner shall issue an order to the persons(s) effected in the form prescribed under Appendix 'E' to carry out the necessary repairs and maintenance thereof in the manner prescribed within a prescribed period failing which the repairs and maintenance of works shall be executed through an agency considered suitable for the purpose by the Deputy Commissioner.

(ii) The order stated above shall be issued under Registered Cover.

11. (i) Any member, officer, subordinate or workman of the Committee authorised by the Deputy Commissioner shall issue notice to the owner of the land in the form appearing at Appendix 'F'. Notice of entry under section 16 (1) of the Act.

(ii) A notice issued under certificate of posting under this rule shall be considered as a sufficient proof of its having been delivered to the addressee and no plea regarding non-receipt or late-receipt of the notice shall be tenable.

(iii) The notice shall be issued at least a week in advance of the date of entry upon the land.

(iv) The Government shall, by a notification in the Official Gazette, specify the persons to be considered as officers, subordinates or workman of the Committee under section 16 of the Act.

12. (i) Any person feeling aggrieved as specified under section 17 of the Act may prefer an appeal within a period of not more than 30 days of receipt of intimation by him. Appeals under section 17 of the Act.

(ii) All appeals shall be made to and decided by the Financial Commissioner, Himachal Pradesh.

(iii) A court fee of Rs. 2.00 shall be paid on each appeal preferred under this rule without which no appeal shall be entertainable.

(iv) The appeals may be made by any of the affected person(s) personally or through a duly authorised attorney.

(v) Any appeal received by the appellate authority after the due date shall not be entertained.

13. (i) The Committee shall issue directions to the Deputy Commissioner in the form prescribed under Appendix 'G' and publish it in the Official Gazette for the information of the owner(s) of the said land and the Deputy Commissioner.

(ii) A copy of the order shall be endorsed to the Collector of the District concerned for entry in the Revenue Records regarding transfer of possession. Order for taking over the possession of land under section 20(2) of the Act.

14. (i) The Deputy Commissioner shall conduct inquiry through any officer of the Agriculture, Public Works or the Forest Department of Himachal Pradesh, properly trained in soil conservation by not inferior to the rank of the Assistant Soil Conservation Officer, duly authorised by him in writing and notified in the Official Gazette.

(ii) The officer authorised under rule 14(1) above shall make a report after actual inspection of areas under inquiry and make a definite recommendation as to whether the area has been properly reclaimed or not and whether the possession of the land in question should be restored to the owner or his successor or it should remain for some time more in the possession of the Deputy Commissioner and if so, for what period; provided that his recommendation for retention of possession shall not exceed a total period of 10 years as provided under section 21 of the Act. Manner of inquiry under section 23 of the Act.

(iii) The possession of the land under consideration shall be

declared to be restored by the Deputy Commissioner only if as a result of an inquiry by an authorised officer it is clearly commended by the Inquiry Officer that the possession of area under report should be restored. In cases where the maximum period of 10 years of temporary possession as provided in the Act is due to expire, the question of referring such cases to an Inquiry Officer will not arise. In such cases the Deputy Commissioner shall himself restore the land.

(iv) The Deputy Commissioner shall declare the possession of any area under his temporary possession as restored with effect from a certain date to its owner(s) in the form prescribed under Appendix 'H'.

(v) The declaration of the restoration of the possession of any land made by the Deputy Commissioner, shall be published in the Official Gazette for the information of its owner(s).

(vi) A copy of the order published in the Official Gazette shall also be endorsed to the Deputy Commissioner of the District concerned for entry in the Revenue records regarding transfer of possession of the land.

Manner of inquiry under section 24 of the Act.

15. (i) The Deputy Commissioner shall appoint an Inquiry Officer by a proper notification in the Official Gazette in respect of any land under inquiry which shall be mentioned in the notification.

(ii) The Inquiry Officer shall be a Revenue Officer not below the rank of the Revenue Assistant.

(iii) The Inquiry Officer shall determine the annual rent payable and the average net annual income in respect of any land under inquiry in consultation with the local representative of the Agriculture Department not below the rank of a District Agricultural Officer, if it is cultivated or grass land, and the local representative of Forest Department not below the rank of a Divisional Forest Officer if it is a forest land, and obtain, their recommendations in writing.

(iv) The Inquiry Officer shall, after consulting the respective officer of the department concerned in respect of any land which on the date of taking over, was in the occupation of a tenant, determine, (a) the amount payable annually to the landlord under sub-clause (i) of clause (a) of sub-section (1) of section 24, (b) the amount payable annually to the tenant under sub-clause (ii) of clause (a) of sub-section (1) of section 24, or, in respect of any other land, the amount payable to the owner(s) under clause (b) of sub-section (1) of section 24, and convey it to the Deputy Commissioner.

(v) The Deputy Commissioner shall, while appointing an Inquiry Officer, determine the date by which the inquiry shall be completed and recommendations of the Inquiry Officer sent to him; provided that the total period between the appointment of an Inquiry Officer and submission of his recommendations shall not exceed one month.

(vi) The Deputy Commissioner shall, on receipt of the report of the Inquiry Officer inform the person(s) effected by the report,

in writing of his decision on the rate of compensation payable to them.

(vii) The information as required under clause (vi) above shall be sent under Registered Cover.

16. (i) The account in respect of every land taken over by the Deputy Commissioner shall be maintained separately for each owner in the ledger form given in Appendix 'I' of these rules.

Form of method of maintaining accounts under section 25 of the Act.

(ii) Each entry in the ledger account shall be supported by a proof of payment or receipt.

17. (i) Interest shall be chargeable at the rate fixed by the Government under the scheme under which loans are sanctioned for reclamation or development of lands and spent on reclamation of a particular piece of land or failing that the rate fixed by the Government for taccavi loans under the Agriculturists Loans Act, 1884, as applicable to Himachal Pradesh for the specific period during which expenditure was incurred on a particular piece of land.

The rate of interest and method of its calculation under sub-section (1) of section 26 of the Act.

(ii) Interest shall be calculated in the manner specifically prescribed by the Government for the scheme from which expenditure is met on reclamation of a particular piece of land or failing that in the same manner in which it is calculated for taccavi loans granted under Agriculturists Loans Act, 1884 as applicable to Himachal Pradesh.

18. (i) Any person feeling aggrieved as specified under section 27 of the Act may prefer an appeal within a period of not more than 30 days of receipt of intimation by him.

Appeals under section 27 of the Act.

(ii) All appeals shall be made to and decided by the State Government.

(iii) A court fee of Rs. 2.00 shall be paid on each appeal preferred under this rule without which no appeal shall be entertainable.

(iv) The appeals may be made by any of the affected person(s) personally or through a duly authorised attorney.

(v) Any appeal received by the appellate authority after the due date shall not be entertained.

19. The Chairman/Deputy Commissioner may issue orders on any case in execution of the spirit of the Act and the rules framed under the Act subject to confirmation by the Committee subsequently.

Issue of orders by the Chairman/Deputy Commissioner.

APPENDIX 'A'

[See rule 3(v)]

FORM OF NOTICE OF MEETING OF THE DISTRICT LAND DEVELOPMENT COMMITTEE TO BE SENT TO THE MEMBERS

(UNDER POSTAL CERTIFICATE)

(Name of the place of issue).....
(date).....

declared to be restored by the Deputy Commissioner only if as a result of an inquiry by an authorised officer it is clearly commended by the Inquiry Officer that the possession of area under report should be restored. In cases where the maximum period of 10 years of temporary possession as provided in the Act is due to expire, the question of referring such cases to an Inquiry Officer will not arise. In such cases the Deputy Commissioner shall himself restore the land.

(iv) The Deputy Commissioner shall declare the possession of any area under his temporary possession as restored with effect from a certain date to its owner(s) in the form prescribed under Appendix 'H'.

(v) The declaration of the restoration of the possession of any land made by the Deputy Commissioner, shall be published in the Official Gazette for the information of its owner(s).

(vi) A copy of the order published in the Official Gazette shall also be endorsed to the Deputy Commissioner of the District concerned for entry in the Revenue records regarding transfer of possession of the land.

Manner of inquiry under section 24 of the Act.

15. (i) The Deputy Commissioner shall appoint an Inquiry Officer by a proper notification in the Official Gazette in respect of any land under inquiry which shall be mentioned in the notification.

(ii) The Inquiry Officer shall be a Revenue Officer not below the rank of the Revenue Assistant.

(iii) The Inquiry Officer shall determine the annual rent payable and the average net annual income in respect of any land under inquiry in consultation with the local representative of the Agriculture Department not below the rank of a District Agricultural Officer, if it is cultivated or grass land, and the local representative of Forest Department not below the rank of a Divisional Forest Officer if it is a forest land, and obtain, their recommendations in writing.

(iv) The Inquiry Officer shall, after consulting the respective officer of the department concerned in respect of any land which on the date of taking over, was in the occupation of a tenant, determine, (a) the amount payable annually to the landlord under sub-clause (i) of clause (a) of sub-section (1) of section 24, (b) the amount payable annually to the tenant under sub-clause (ii) of clause (a) of sub-section (1) of section 24, or, in respect of any other land, the amount payable to the owner(s) under clause (b) of sub-section (1) of section 24, and convey it to the Deputy Commissioner.

(v) The Deputy Commissioner shall, while appointing an Inquiry Officer, determine the date by which the inquiry shall be completed and recommendations of the Inquiry Officer sent to him; provided that the total period between the appointment of an Inquiry Officer and submission of his recommendations shall not exceed one month.

(vi) The Deputy Commissioner shall, on receipt of the report of the Inquiry Officer inform the person(s) effected by the report,

in writing of his decision on the rate of compensation payable to them.

(vii) The information as required under clause (vi) above shall be sent under Registered Cover.

16. (i) The account in respect of every land taken over by the Deputy Commissioner shall be maintained separately for each owner in the ledger form given in Appendix 'I' of these rules.

Form of method of maintaining accounts under section 25 of the Act.

(ii) Each entry in the ledger account shall be supported by a proof of payment or receipt.

17. (i) Interest shall be chargeable at the rate fixed by the Government under the scheme under which loans are sanctioned for reclamation or development of lands and spent on reclamation of a particular piece of land or failing that the rate fixed by the Government for taccavi loans under the Agriculturists Loans Act, 1884, as applicable to Himachal Pradesh for the specific period during which expenditure was incurred on a particular piece of land.

The rate of interest and method of its calculation under sub-section (1) of section 26 of the Act.

(ii) Interest shall be calculated in the manner specifically prescribed by the Government for the scheme from which expenditure is met on reclamation of a particular piece of land or failing that in the same manner in which it is calculated for taccavi loans granted under Agriculturists Loans Act, 1884 as applicable to Himachal Pradesh.

18. (i) Any person feeling aggrieved as specified under section 27 of the Act may prefer an appeal within a period of not more than 30 days of receipt of intimation by him.

Appeals under section 27 of the Act.

(ii) All appeals shall be made to and decided by the State Government.

(iii) A court fee of Rs. 2.00 shall be paid on each appeal preferred under this rule without which no appeal shall be entertainable.

(iv) The appeals may be made by any of the affected person(s) personally or through a duly authorised attorney.

(v) Any appeal received by the appellate authority after the due date shall not be entertained.

19. The Chairman/Deputy Commissioner may issue orders on any case in execution of the spirit of the Act and the rules framed under the Act subject to confirmation by the Committee subsequently.

Issue of orders by the Chairman/Deputy Commissioner.

APPENDIX 'A'

[See rule 3(v)]

FORM OF NOTICE OF MEETING OF THE DISTRICT LAND DEVELOPMENT COMMITTEE TO BE SENT TO THE MEMBERS

(UNDER POSTAL CERTIFICATE)

(Name of the place of issue).....
(date).....

A meeting of the District Land Development Committee.....
district will be held on (day of the week).....
the (date)
 at (time).....in the (place of
 meeting)....., under the Chair-
 manship of the Deputy Commissioner.....
district.

You are requested to make it convenient to attend the meeting.
 The agenda for the meeting is enclosed.

Secretary, District Land Development Committee,
district.

To

Shri

.....

APPENDIX 'B'

[See rule 4(iii)]

FORM OF APPLICATION FROM THE FARMER(S) FOR UNDERTAKING SOIL CONSERVATION MEASURES ON HIS/THEIR LANDS

To

The Chairman,
 District Land Development Committee,
district.

Sir,

I/We.....s/o..... owners/
 tenants of survey field numbers attached/given on reverse of
 Revenue Village.....Patwar Circle.....,
 Kanungo Circle....., Panchayat.....,
 Tehsil....., District..... do hereby
 request that soil conservation works and measures in
 my/our lands may be planned and executed through the Depart-
 ment or by any other agency convenient to the Department, as
 I/we am/are not able to execute the works myself/ourselves.

The scheme for soil conservation measures and works and
 estimates of cost as prepared by you and actual cost as incurred
 shall be acceptable to me/us, and I/we agree to be bound by all
 provisions of the Himachal Pradesh Land Development Act,
 1973, and the rules made thereunder and the orders issued by the
 District Land Development Committee.....
 District as well as by the Deputy Commissioner.....
 district under the provisions of the aforesaid Act and the rules.

I/We further undertake to properly maintain the soil
 conservation works executed in my/our lands and to plant
 grasses on the front faces of the terraces and the sides and beds
 of the disposal and diversion drains, and trees and grasses at other
 places as required under the scheme.

I/We further agree that the arrears of instalments payable for the actual cost of soil conservation measures and works will be the first charge on the land.

Signature of applicant(s).

APPENDIX 'C'

[See rule 4(vii) and rule 9(1)]

PROFORMA FOR THE PREPARATION OF LAND DEVELOPMENT SCHEME UNDER THE HIMACHAL PRADESH LAND DEVELOPMENT RULES

- (1) No. of the scheme.....
- (2) Name of the scheme.....
- (3) Name of the village(s) to which the scheme pertains or affected by the scheme.....
P.O.....
- (4) Patwar Circle.....
- (5) Kanungo Circle.....
- (6) Panchayat
- (7) Object of the scheme.....
- (8) Agency of execution of the scheme.....
- (9) Details of the cultivated area affected by the scheme—
 1. Name of village.....
 2. Khatauni No.....
 3. Khasra No.....
 4. Name of the proprietor.....
 5. Name of the tenant, if any.....
 6. Status of the tenant.....
 7. Area
 8. Estimated cost of Development after deducting the subsidy.
- (10) Details of the forest area affected by the scheme:—

Khatauni and Khasra Nos. or compartment No. if any	Particulars of the Forests	Proportionate cost of the area scheme after deducting the subsidy
	(i) Government forests without rights (protected, demarcated and reserve) ..	
	(ii) Government forests with rights (undemarcated and others) ..	
	(iii) Government grass lands with grazing rights ..	
	(iv) Private Forests owner-wise ..	
	(v) Panchayat Forests ..	

Note.—Usually for Government forests 'without rights (protected and demarcated), separate estimate will be prepared.

(ii) Details of the works to be carried out in the cultivated lands and private grass lands:—

(a) Engineering or mechanical measures—

- (i) Description.
- (ii) Estimate of works.
- (iii) Abstract of estimated cost.
- (iv) Necessary drawings showing specifications of the works.

(b) Vegetative measures—

- (i) Description.
- (ii) Estimate of works.
- (iii) Abstract of estimate of cost.

(c) Agronomic measures—

- (i) Description.
- (ii) Abstract of estimates of measures.
- (iii) Abstract of estimates of cost.

(d) Total estimated cost—

Amount of subsidy to be paid by the Government at the rate of Rs....., % Rs.....
Balance payable by the beneficiaries.....
Rs.....

(12) Instructions to be followed after the execution of the scheme regarding maintenance of works and conservation of soil in cultivated land and private grass lands.

(13) Details of work and measures to be carried out in the forest lands and Government grass lands—

(a) General.

(b) Engineering or mechanical measures—

- (i) Specification of works.
- (ii) Estimates of works.
- (iii) Abstract of estimated cost.
- (iv) Necessary drawings.

(c) Vegetative measures—

- (i) Specifications of works.
- (ii) Estimates of works.
- (iii) Abstract of estimate of cost.

(d) Total estimated cost—

Amount of subsidy to be paid by the Government at the rate of.....% of the cost Rs.....
Balance payable by the beneficiaries Rs.....

(e) Instructions to be followed after the execution of the scheme regarding maintenance of works and conservation of forest lands and Government grass lands.

INSTRUCTIONS OF THE BOARD

The Committee hereby directs that—

- (1) The work to be carried out or remaining to be carried out on the lands mentioned in the scheme shall be carried out by the Deputy Commissioner..... district through any agency authorised by him,

- (2)per cent of the total actual cost shall be recovered from the beneficiaries as arrears of the land revenue in.....equal half yearly instalments of Rs.....each. The total cost, if any, in excess of the estimate cost and the interest chargeable on the total amount payable by the beneficiaries shall also be payable in similar instalments.
- (3) The contravention of the provision of this scheme will be punishable with simple imprisonment for term which may extend to one month or with fine which may extend to rupees two hundred or with both as provided under section 9(1) of the Act.

Under authority,

*Deputy Commissioner,
Chairman,
District Land Development Committee,
.....district.*

APPENDIX 'D'

[See rule 6(ii)]

FORM OF NOTICE UNDER RULE 6(ii) OF THE HIMACHAL PRADESH LAND DEVELOPMENT RULES

(UNDER POSTAL CERTIFICATE)

FROM

The Deputy Commissioner,
.....district.

TO

Shri.....s/o.....
Village....., P.O.....
District.....
Dated.....

Dear Sir/Madam,

Notice is hereby given under rule 6(ii) of the Himachal Pradesh Land Development Rules that scheme No..... for Land Development affecting your land bearing the following Khasra Nos. has been sanctioned by the State Government, Himachal Pradesh vide No.....
Dated.....

The copy of the said scheme is available with Agricultural Inspector (Soil Conservation)..... and the Assistant Soil Conservation Officer....., District....., for inspection on working days during the working hours. A copy has also been supplied to the Secretary Gram Panchayat.....
You are requested to intimate if you want to undertake the

execution of the scheme yourself under section 10(i) of the Act failing which the work shall be carried out by me through any agency convenient to me and.....per cent of the actual total cost amounting approximately to Rs.....shall be recoverable from you as arrears of land revenue in.....equal instalments with.....per cent interest.

Yours faithfully,

Deputy Commissioner,
.....*district.*

APPENDIX 'E'

(See rule 10)

FORM OF ORDER UNDER RULE 10 READ WITH
SECTION 15 OF THE HIMACHAL PRADESH LAND
DEVELOPMENT ACT, 1973

(UNDER REGISTERED POST)

No.....

FROM

The Deputy Commissioner,
.....district.

To

Shri.....village.....
P.O.....District.....
(Himachal Pradesh).

Dated, the.....,19 .

Dear Sir/Madam,

Having been felt that you are not repairing and maintaining the land development works and plantations in Khasra Nos. situated in village..... as mentioned in the statement prepared under section 14 of the Himachal Pradesh Land Development Act, 1973 under Scheme No..... I hereby order you under section 15 of the said Act to undertake the necessary repairs to the works/plantations within a period of days/months and maintain them properly failing which they shall be undertaken by the undersigned at your cost through any agency as may be convenient to me and the cost incurred thereon shall be recoverable as arrears of land revenue.

Yours faithfully,

Deputy Commissioner,
.....*district.*

APPENDIX 'F'

[See rule 11(i)]

FORM OF NOTICE TO BE ISSUED UNDER RULE 11(1)
READ WITH SECTION 16(1) OF THE HIMACHAL
PRADESH LAND DEVELOPMENT ACT, 1973
(UNDER CERTIFICATE OF POSTING)

No....., Dated.....
To

Shri.....

Village....., P.O.

District.....

Dear Sir(s)/Madam,

Kindly take notice that under section 16 of the Himachal Pradesh Land Development Act, 1973 read with rule 11(1) of Himachal Pradesh Land Development Rules, I, and all staff working under and with me will enter upon your land bearing Khasra Nos.....

..... and survey the land or do any act, or carryout any work or on the land for the purpose of preparing, inquiring into or executing land development scheme under the said Act.

Yours faithfully,

(Designation of the Officer).

APPENDIX 'G'

(See rule 13)

FORM OF ORDER AND NOTICE UNDER RULE 13 READ
WITH SECTION 20(2) OF THE HIMACHAL PRADESH
LAND DEVELOPMENT ACT, 1973

No.....

OFFICE OF THE DISTRICT LAND DEVELOPMENT
COMMITTEE.....DISTRICT

Whereas, the District Land Development Committee..... district is satisfied that for purposes of executing the scheme for reclamation of waste land under section 5 of the Act it is necessary that temporary possession of waste land, details of which are given below, should be taken over:—

Khasra No....., area.....

▲ In order, therefore, to execute the said scheme the Committee under section 20(2) of the Himachal Pradesh Land Development Act, 1973 hereby direct that temporary possession of the said land be taken over by the Deputy Commissioner,..... district.

He or the officer authorised by him shall enter upon the said land on theday of..... 19 , on behalf of the Government.

By order,
Chairman,
District Land Development Committee,
.....district.

APPENDIX 'H'
(See rule 14(iv))

FORM OF ORDER OF DECLARATION OF RESTORATION
OF POSSESSION OF LAND UNDER SECTION
23 OF THE HIMACHAL PRADESH LAND DEVELOP-
MENT ACT, 1973

Order No....., Dated.....

Having been satisfied that reclamation of the waste land given below has been completely executed according to the scheme, it is hereby declared under section 23 of the Himachal Pradesh Land Development Act, 1973 that the possession of the said land shall be deemed to have been restored to the owners mentioned against the respective Khasra Nos.with effect from the.....day of.....,19 :—

- (1) Revenue village.....
- (2) Khasra Nos.....
- (3) Area
- (4) Name of the owner.....
- (5) Name of the owner's father.....
- (6) Rent payable by the tenant on account of use or occupation of land.....

Provided that no tree shall be felled or cut from the area mentioned above without the permission in writing and hammer mark of the Forest Department and planting first at least 4 plants of the same species as desired to be cut. Provided further that brousing and grazing shall not be permissible and only cutting the grass will be allowed.

Deputy Commissioner,
.....district.

APPENDIX 'I'
(See rule 16)

FORM OF LEDGER ACCOUNT OF INDIVIDUALS FOR
MAINTAINING ACCOUNTS UNDER SECTION 25 OF
THE ACT READ WITH RULE 16 FOR THE LANDS
TAKEN OVER BY THE DEPUTY COMMISSIONER

No. and name of the scheme.....
Name of the owner/tenant.....

Village
Area
Rate of compensation per year.....
Authority under which fixed.....
Share in the total expenditure on the scheme.....
.....

Date	Particulars	Folio	Dr.	Cr.	Balance

K. C. PANDEYA,
Secretary.